

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 LORI ANN MORRIS,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8 FLORIDA TRANSFORMER,) 3:05-CV-962-T 9 EDWARD NEAL THOMPSON,) 10 et al.,) 11 Defendants.) 12 13 DEPOSITION OF EDWARD NEAL THOMPSON 14 In accordance with Rule 5(d) of 15 The Alabama Rules of Civil Procedure, as 16 Amended, effective May 15, 1988, I, Cindy 17 Weldon, am hereby delivering to Henry L. 18 Penick, the original transcript of the oral 19 testimony taken on the 14th day of July, 20 2006, along with exhibits. 21 Please be advised that this is the 22 same and not retained by the Court Reporter, 23 nor filed with the Court.</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that the signature to and the reading 2 of the deposition by the witness is waived, 3 the deposition to have the same force and 4 effect as if full compliance had been had 5 with all laws and rules of Court relating to 6 the taking of depositions. 7 IT IS FURTHER STIPULATED AND 8 AGREED that it shall not be necessary for 9 any objections to be made by counsel to any 10 questions, except as to form or leading 11 questions, and that counsel for the parties 12 may make objections and assign grounds at 13 the time of trial, or at the time said 14 deposition is offered in evidence, or prior 15 thereto. 16 IT IS FURTHER STIPULATED AND 17 AGREED that notice of filing of the 18 deposition by the Commissioner is waived. 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 LORI ANN MORRIS,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8) 3:05-CV-962-T 9 FLORIDA TRANSFORMER,) 10 EDWARD NEAL THOMPSON,) 11 et al.,) 12 Defendants.) 13 14 STIPULATION 15 IT IS STIPULATED AND AGREED, by 16 and between the parties through their 17 respective counsel, that the deposition of 18 EDWARD NEAL THOMPSON, may be taken before 19 Cindy Weldon, Certified Shorthand Reporter, 20 Commissioner and Notary Public, at 732 North 21 9th Street, DeFuniak Springs, Florida, on 22 July the 14th, 2006 at 1:15 p.m. 23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFF: 4 MR. HENRY L. PENICK 5 THE PENICK BUILDING 6 319 - 17TH STREET NORTH, SUITE 200 7 BIRMINGHAM, ALABAMA 35203 8 9 FOR THE DEFENDANT: 10 MR. RICHARD BROUGHTON 11 2000 INTERSTATE PARK DRIVE 12 SUITE 204 13 MONTGOMERY, ALABAMA 36109 14 15 ALSO PRESENT: 16 MR. FRANKLIN SCOTT SEAY 17 18 19 20 21 22 23</p>

1 (Pages 1 to 4)

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EXHIBIT F

FREEDOM COURT REPORTING

Page 25	Page 27
<p>1 A. No, sir.</p> <p>2 Q. -- that you weren't working out</p> <p>3 well?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you have any violations or</p> <p>6 anything while you were there?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay.</p> <p>9 A. I don't recall.</p> <p>10 Q. What year did you leave?</p> <p>11 A. 2003.</p> <p>12 Q. Do you know what year you left --</p> <p>13 I mean what month you left McLane's?</p> <p>14 (Whereupon, there was a brief</p> <p>15 interruption.)</p> <p>16 Q. Do you recall getting a speeding</p> <p>17 ticket out in Houston County in May of 2003?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Was that while you were driving</p> <p>20 with McLane's?</p> <p>21 A. Yes, sir. It was on a personal</p> <p>22 vehicle.</p> <p>23 Q. Let me go back and ask you about</p>	<p>1 going to court and taking the day off, I</p> <p>2 just paid it. I went on. I was in my</p> <p>3 personal vehicle.</p> <p>4 Q. All right. Looking down back into</p> <p>5 '99, do you recall picking up another</p> <p>6 speeding ticket in Texas?</p> <p>7 A. I recall. But I don't remember --</p> <p>8 I remember -- I see the ticket and all. I</p> <p>9 don't remember when it was and --</p> <p>10 Q. To the far right, do you see where</p> <p>11 it asks whether or not it was a commercial</p> <p>12 vehicle and it says yes? Do you recall</p> <p>13 doing some truck driving out in Texas in '99</p> <p>14 and picking up a ticket?</p> <p>15 A. Let me think just a minute. The</p> <p>16 only time that I got a ticket out on a</p> <p>17 truck, there was two or three of us running</p> <p>18 together and we got caught.</p> <p>19 That's the only -- we got a</p> <p>20 speeding ticket. And instead of disputing</p> <p>21 it, it's easier to pay it than it is to go</p> <p>22 to court and fight it.</p> <p>23 Q. All right. And you were truck</p>
Page 26	Page 28
<p>1 your driving record since we're looking at</p> <p>2 it right now. Let me mark this as</p> <p>3 Plaintiff's Exhibit 1 to his deposition.</p> <p>4 (Whereupon, Plaintiff's Exhibit</p> <p>5 No. 1 was marked for identification.)</p> <p>6 Q. On that occasion, were you</p> <p>7 driving, according to this record,</p> <p>8 sixty-nine in a forty-five mile per hour</p> <p>9 zone?</p> <p>10 MR. BROUGHTON: Henry, for</p> <p>11 clarification of the record, you gave him a</p> <p>12 May 2003 date. That's not the date of the</p> <p>13 infraction. You see that --</p> <p>14 MR. PENICK: That's correct.</p> <p>15 MR. BROUGHTON: I just want to</p> <p>16 make sure we're clear on that.</p> <p>17 Q. Well, in February of 2003, do you</p> <p>18 recall driving forty-five in a sixty-five --</p> <p>19 sixty-nine -- I'm sorry -- driving</p> <p>20 sixty-nine in a forty-five mile an hour</p> <p>21 zone?</p> <p>22 A. I was fixing -- I recall the</p> <p>23 ticket. And I disputed it. But instead of</p>	<p>1 driving during that period of time, weren't</p> <p>2 you?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Do you recall who you were truck</p> <p>5 driving with?</p> <p>6 A. I believe it was R.E. Garrison.</p> <p>7 I'm not sure. But I believe that's who it</p> <p>8 was.</p> <p>9 MR. PENICK: Off the record.</p> <p>10 (Whereupon, there was a brief</p> <p>11 off-the-record discussion.)</p> <p>12 Q. Then in '98, another speeding</p> <p>13 ticket. Well, it says June 10th of '98.</p> <p>14 Over where it says commercial vehicle, it</p> <p>15 says no. That's in Geneva County, Alabama,</p> <p>16 is it?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you recall getting that ticket</p> <p>19 back then?</p> <p>20 A. No, sir, I don't recall. I'm</p> <p>21 sitting here looking at it trying to figure</p> <p>22 out. I don't recall getting a speeding</p> <p>23 ticket or anything in Geneva County.</p>

7 (Pages 25 to 28)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 29</p> <p>1 Q. Well, first of all, you wouldn't 2 dispute that this is your official record 3 and it's probably correct, would you? 4 A. I wouldn't dispute it, no, sir. 5 Q. Now, just looking at these moving 6 violations, other than the ones we've talked 7 about, do you remember any of these other 8 ones? 9 A. No, sir. It's been so long ago. 10 The DUI in Slocomb, 3-19-93 -- 11 Q. '83. 12 A. Yes. '83. I'm sorry. I remember 13 getting that. But what all went on, I don't 14 remember. But I vaguely remember that. 15 Q. You were barely twenty-one then. 16 You were twenty going on twenty-one. We 17 understand how you got that one. 18 A. Yes. 19 Q. Okay. Now, the -- I guess you 20 were just young is what I'm saying; right? 21 A. Yes. 22 Q. Were you married at that time? 23 A. No.</p>	<p style="text-align: right;">Page 31</p> <p>1 sir, there's no damage. But he still wrote 2 it up. 3 Q. But she ran into you? 4 A. She ran into me. I was sitting 5 still. She just bumped into me. 6 Q. What about the -- oh, by the way, 7 you were driving a -- Were you driving your 8 customer vehicle then? 9 A. No, sir. I was in a personal 10 vehicle. 11 Q. I just noticed I saw that COM. 12 But that doesn't mean commercial vehicle. 13 Oh, it says no. Is that what it says there? 14 A. No. 15 Q. No for no? 16 A. Yes, sir. 17 Q. And then what about the accident 18 in '97? Do you remember that one? 19 A. I looked at that a while ago. I 20 had a -- When I was in the log truck, the 21 pancake busted on the brake chamber. And I 22 was coming down off a side road, coming on 23 Highway 29 over there fourteen miles north</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Are you married now? 2 A. No, sir. 3 Q. Have you ever been married? 4 A. Unfortunately three times. 5 Q. Now, down at the accident 6 portions, do you remember any of these? 7 A. Houston County. 8 Q. Tell me about that one. 9 A. I was on Ross Clark Circle where 10 you come off Ross Clark Circle in Dothan to 11 get on 84 to come west. And a lady, girl, 12 something behind me -- it was a woman -- 13 bumped me. I'm talking about barely bumped 14 me. Didn't even leave a scratch. 15 And she left. And the city 16 policeman was sitting there in the parking 17 lot. He motioned for me to pull over and he 18 wrote an accident report. He said we need 19 to do that just in case she comes back and 20 -- because, you know, she got my tag number 21 and I got her's. 22 Just in case she comes back and 23 says something, you're covered. I said,</p>	<p style="text-align: right;">Page 32</p> <p>1 of Brewton and coming down to Highway 29. 2 There's a beaver pond right out in 3 front of where the road dead ends at and I 4 swung over and went back in a way hoping I'd 5 get enough swing, but with the logs being 6 top heavy, it slid over and slid off the 7 side of the highway. Luckily, there was 8 nobody coming. 9 Q. All right. So it was a one car 10 accident? 11 A. Yes, sir. 12 Q. Or one vehicle accident? 13 A. Yes, sir. It was just luck that 14 there was nobody there but me. 15 Q. What about then in '87? 16 A. I'm trying to -- It wasn't no 17 commercial vehicle. I'm trying to figure 18 out what that was. 19 Q. In Ozark, Alabama. 20 MR. BROUGHTON: That's got a U for 21 commercial vehicle. What does that mean, 22 unknown? 23 A. I can't -- I don't remember</p>

8 (Pages 29 to 32)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 37</p> <p>1 Nashville to do?</p> <p>2 A. It's not supposed to be on my</p> <p>3 record. It was something that I couldn't</p> <p>4 help. Completely unavoidable. The judge</p> <p>5 said it shouldn't have been wrote up like</p> <p>6 that.</p> <p>7 Q. Let me show you what's mark as</p> <p>8 Plaintiff's Exhibit 2 to your deposition.</p> <p>9 (Whereupon, Plaintiff's Exhibit</p> <p>10 No. 2 was marked for identification.)</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is this the -- Did Dart write this</p> <p>13 up?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And what did they do, mail it to</p> <p>16 you?</p> <p>17 A. No. I think they faxed it to</p> <p>18 Scott.</p> <p>19 Q. But you reported it to them;</p> <p>20 right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Was anybody injured in that</p> <p>23 accident?</p>	<p style="text-align: right;">Page 39</p> <p>1 to; right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And that was somebody at Dart?</p> <p>4 A. Yes, sir. In the safety</p> <p>5 department.</p> <p>6 Q. Did you have any other accidents</p> <p>7 or infraction or anything while you were at</p> <p>8 Dart?</p> <p>9 A. No, sir.</p> <p>10 Q. Any other tickets or anything?</p> <p>11 A. No, sir.</p> <p>12 Q. Did you leave voluntarily?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did anyone ask you to leave?</p> <p>15 A. No, sir.</p> <p>16 Q. That was an independent</p> <p>17 contracting situation, also, wasn't it?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What did you do after that?</p> <p>20 A. I came to work at Florida</p> <p>21 Transformer.</p> <p>22 Q. How did you hear about the job at</p> <p>23 Florida Transformer?</p>
<p style="text-align: right;">Page 38</p> <p>1 A. No, sir.</p> <p>2 Q. Did anybody have to be taken to</p> <p>3 the hospital?</p> <p>4 A. No.</p> <p>5 Q. Was any vehicle towed after the</p> <p>6 accident?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Whose vehicle was towed?</p> <p>9 A. The car that I ran into.</p> <p>10 Q. I noticed that on Plaintiff's</p> <p>11 Exhibit 2, it asked whether or not you had</p> <p>12 -- did you take any test after the</p> <p>13 accident. Did you take any?</p> <p>14 A. Supposed -- They didn't tell me I</p> <p>15 had to. I asked them that. They told me</p> <p>16 no, there wasn't any injuries; so I didn't</p> <p>17 have to take -- because that's the first</p> <p>18 question I asked them.</p> <p>19 Q. Okay.</p> <p>20 A. Where did I need to go to do it,</p> <p>21 so, you know, I could follow the federal</p> <p>22 guidelines.</p> <p>23 Q. And they told you you didn't have</p>	<p style="text-align: right;">Page 40</p> <p>1 A. A friend of the family. And I</p> <p>2 came down and --</p> <p>3 Q. Which one was the friend of the</p> <p>4 family?</p> <p>5 A. His name is Mr. Collins.</p> <p>6 Q. Does he work for FTI?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What's Mr. Collins' first name?</p> <p>9 A. I'm trying to think of what his --</p> <p>10 Carl Collins.</p> <p>11 Q. What did he tell you?</p> <p>12 A. He just said that they were</p> <p>13 looking for a driver. I was tired of being</p> <p>14 gone all the time and they was looking for a</p> <p>15 driver and I came down and talked to Scott,</p> <p>16 got application and filled it out.</p> <p>17 Q. What did he tell you would be</p> <p>18 required of you to drive for Florida</p> <p>19 Transformer?</p> <p>20 A. Deliver transformers and deliver</p> <p>21 ones out they refurbishd and bring back some</p> <p>22 to be redone.</p> <p>23 Q. What was the pay arrangement?</p>

10 (Pages 37 to 40)

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FREEDOM COURT REPORTING

Page 41	Page 43
<p>1 A. I believe it was nine dollars an 2 hour or nine dollars a quarter starting 3 off. The best I can remember. 4 Q. Was there any other compensation 5 involved? 6 A. No. 7 Q. No mileage, no load? 8 A. No. 9 Q. Nothing like that? 10 A. No, sir. 11 Q. All right. Do you recall filling 12 out a statement when they asked you whether 13 or not you had any violations at all within 14 the previous year? 15 A. Yes, sir. 16 Q. Let me show you what's marked as 17 Plaintiff's Exhibit 3. 18 (Whereupon, Plaintiff's Exhibit 19 No. 3 was marked for identification.) 20 Q. Is that your signature? 21 A. Yes, sir. 22 Q. All right. Had you had any 23 traffic violations within twelve months</p>	<p>1 or anything? 2 A. No, sir. He's at a doctor's 3 office here. 4 Q. And do you recall the outcome of 5 your physical? 6 A. Yes, sir. I passed. 7 Q. Did they tell you anything you 8 were to do? 9 A. No, sir. 10 Q. Any medications you had to take? 11 A. No, sir. I'm already taking 12 medication. 13 Q. And what are you taking? 14 A. I believe it's Glucotrol and 15 Glucophage. I take pills for diabetic. 16 Q. How long have you been a diabetic? 17 A. Ever since -- I've known about it 18 since '97, '98. Somewhere in there. 19 Q. How did you realize you had 20 diabetes? 21 A. I went and took a urine test and 22 that's when I realized I had it. I had to 23 -- They put me on medication, put me on</p>
Page 42	Page 44
<p>1 leading up to the application here? 2 A. No, sir. 3 Q. Now, I believe that the nearest 4 traffic violation you had to your date of 5 employment was that speeding ticket in 6 Houston County; is that right? 7 A. Yes, sir. 8 Q. That was in May of 2003? 9 A. Yes, sir. I think the day I got 10 it was February of 2003. 11 Q. Okay. Did you ever have to take a 12 physical to get that job? 13 A. Yes, sir. 14 Q. Where did you go to take the 15 physical? 16 A. For which job? 17 Q. The Florida Transformer job. 18 A. The doctor's office right down 19 here. I don't know his name. 20 Q. He's here -- When you say right 21 down here, you mean in DeFuniak Springs? 22 A. Yes, sir. 23 Q. Is he associated with any clinic</p>	<p>1 pills. That's what I've been taking. 2 Q. Did you ever -- Was there anything 3 about your conduct that made you realize 4 that you just weren't right? 5 A. Yes. You urinate a lot more. And 6 that's why -- one reason I had to go take a 7 physical or take a drug test ever so often. 8 And they realized that. For about a month, 9 I didn't really know what was going on. 10 I know I lost about thirty 11 pounds. When they found that out, they -- 12 the Dr. Mitchum in Geneva put me on pills. 13 And I've been taking them ever since. 14 Q. Do you know Dr. Mitchum's first 15 name? 16 A. O.D. Mitchum. 17 Q. Have you ever been on the needle 18 insulin? 19 A. No, sir. 20 Q. Has anybody given you a shot of 21 insulin -- 22 A. No. 23 Q. -- as an emergency kind of</p>

11 (Pages 41 to 44)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 45</p> <p>1 precaution?</p> <p>2 A. No, sir.</p> <p>3 Q. And what year was it that you said</p> <p>4 Dr. Mitchum put you on?</p> <p>5 A. I want to say '97, '98. I'm not</p> <p>6 quite sure of the exact year.</p> <p>7 Q. And have you been getting your</p> <p>8 prescriptions filled?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Where have you been getting them</p> <p>11 filled?</p> <p>12 A. Center Drugs in Geneva.</p> <p>13 Q. Have you been getting them filled</p> <p>14 anywhere else?</p> <p>15 A. No, sir.</p> <p>16 Q. What's the address of Center</p> <p>17 Drugs?</p> <p>18 A. Maple Avenue, Geneva.</p> <p>19 Q. Did Dr. Mitchum diagnose you with</p> <p>20 any other medical problem other than --</p> <p>21 A. No, sir.</p> <p>22 Q. I take it that was diabetes;</p> <p>23 right?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. April of '04.</p> <p>2 A. With Dart.</p> <p>3 Q. Was that when you first started or</p> <p>4 was that somewhere along the way?</p> <p>5 A. I want to say it was somewhere</p> <p>6 along the way. Maybe it was when I first</p> <p>7 started. But I had to go and take a</p> <p>8 physical.</p> <p>9 Q. Why do you -- Why did they have</p> <p>10 you take a physical in mid stream of your</p> <p>11 employment?</p> <p>12 A. Well, what I had done, when I went</p> <p>13 up there and took it, I had -- I got there</p> <p>14 for a while where I could sort of monitor my</p> <p>15 blood sugar without -- with watching what I</p> <p>16 eat. And I could keep it down and wouldn't</p> <p>17 have to take the medicine.</p> <p>18 And I had let it slip up on me.</p> <p>19 It was up a little higher than what the</p> <p>20 requirements are. The best I can remember,</p> <p>21 I think blood sugar one sixty-five or below,</p> <p>22 they have no problem with it. Mine was just</p> <p>23 -- it was just a little above one</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes, sir.</p> <p>2 Q. And did he diagnose you with</p> <p>3 anything other than diabetes?</p> <p>4 A. No, sir.</p> <p>5 Q. Do you have any other medical</p> <p>6 conditions?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you take any other kind of</p> <p>9 medication other than pills?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you take anything for pain?</p> <p>12 A. No, sir.</p> <p>13 Q. When you do have to take something</p> <p>14 for pain, what do you normally take?</p> <p>15 A. Nothing stronger than Advil or</p> <p>16 Tylenol.</p> <p>17 Q. Do you recall when you were given</p> <p>18 your physical back in August of '04?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Who were you driving with at that</p> <p>21 time?</p> <p>22 A. In August of '04?</p> <p>23 MR. BROUGHTON: August or April?</p>	<p style="text-align: right;">Page 48</p> <p>1 sixty-five.</p> <p>2 Q. Let me show you some documents</p> <p>3 we're going to mark as Plaintiff's Exhibit 4</p> <p>4 to your deposition.</p> <p>5 (Whereupon, Plaintiff's Exhibit</p> <p>6 No. 4 was marked for identification.)</p> <p>7 A. But I got back on my medication,</p> <p>8 went back over there and they seen that I</p> <p>9 was back on medication. It was coming down</p> <p>10 and didn't have any more trouble.</p> <p>11 Q. Could you flip through these</p> <p>12 documents so that you can tell me what these</p> <p>13 documents are?</p> <p>14 A. Yes, sir. This first here is when</p> <p>15 they're checking your health history.</p> <p>16 Q. You're on page number two of that</p> <p>17 document?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. And what is</p> <p>20 significant about that?</p> <p>21 A. On the bottom of it or --</p> <p>22 Q. Anywhere.</p> <p>23 A. On the bottom of it, it shows</p>

12 (Pages 45 to 48)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 49</p> <p>1 where I'm taking the Glucofage, Glucotrol, 2 blood sugar being below one sixty-five, the 3 best I can read that. I can't read that on 4 the bottom right there. It's all scribbled 5 together. 6 Q. Does it tell you to come back in 7 two days, start the above medication? 8 A. That may be what it is. 9 Q. Return in two days? 10 A. Like I said, when I went back, I 11 was taking medicine and it came down. 12 Didn't have no problem with it then. 13 Q. Okay. Now, had you just -- Were 14 you not taking them or just hadn't had them 15 -- had your prescription filled? 16 A. I just wasn't taking them. I keep 17 my prescription filled. 18 Q. Did she give you a shot or 19 anything while you were there? 20 A. No, sir. 21 Q. On this occasion, it says B. 22 Elliott, ARN. Is that a registered nurse? 23 A. I guess.</p>	<p style="text-align: right;">Page 51</p> <p>1 MR. BROUGHTON: It looks like it's 2 twenty sixteen. That's better than twenty 3 twenty, I guess. 4 A. I don't know. I always thought 5 twenty twenty was it. Said blood pressure 6 -- what was the reading? 7 Q. At the bottom right, do you see 8 your blood sugar level? 9 A. Yes, sir. 10 Q. And what was it? 11 A. It shows two thousand. 12 Q. Okay. 13 A. But two thousand, you're dead. 14 Q. That was way above one sixty-five, 15 wasn't it? 16 A. Yes. That's what I'm saying. I 17 don't know how that is. But that can't be 18 right. If your blood sugar is two thousand, 19 you're dead. Any doctor will tell you that. 20 Q. We don't know that. But that's 21 what it says, though; right? 22 A. Yes, sir. I understand. I agree 23 with what it says.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Did she ever represent herself to 2 be a doctor? 3 A. No, sir. 4 Q. Do you know what clinic you went 5 to? 6 A. No, sir. That's Louisville, 7 Kentucky. 8 Q. Do you know who sent you to that 9 clinic? 10 A. Dart did. 11 Q. Other than the urination problems, 12 had you noticed anything about your behavior 13 that made you realize that maybe your blood 14 sugar had gotten up? 15 A. No, sir. 16 Q. What about the next page? 17 A. Okay. The next page shows your 18 eyesight. 19 Q. Do you wear glasses? 20 A. No, sir. 21 Q. Did they ever ask you to wear 22 glasses? 23 A. No, sir.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Well, that's why I was asking. 2 Had you noticed anything about whether or 3 not you were lethargic or wobbling or felt 4 drunk or light headed or slow reaction or 5 anything like that, that caused you to 6 realize that your blood sugar was out of 7 whack? 8 A. No, sir. 9 Q. You said you had lost some weight, 10 though; right? 11 A. Yes, sir. You'll lose weight. 12 MR. BROUGHTON: Wait, wait. 13 You're confusing two time frames. He said 14 when he was initially tested for diabetes I 15 guess back in -- whenever that was. That's 16 when he was losing weight. 17 Q. Well, let me fast forward then to 18 this dated '04. Had you noticed anything 19 about your behavior then or about your 20 weight or anything that would have caused 21 you to say to yourself that you need to go 22 and see a doctor? 23 A. No, sir.</p>

13 (Pages 49 to 52)

FREEDOM COURT REPORTING

Page 53	Page 55
<p>1 Q. Okay. And your testimony is that 2 in mid stream of your employment, Dart just 3 told you to go see a doctor? 4 A. Yes, sir. 5 Q. Did they not get a physical before 6 you were hired? 7 A. Well, you got a physical. Most 8 trucking companies -- which we do it, too -- 9 as you are employed through your employment, 10 you get a random drug test. 11 Q. But this -- You don't guess this 12 was a random drug test, was it? 13 A. They told me to go down there. I 14 don't ask questions. I do what the employer 15 tells me to go do. 16 Q. Okay. Now, the next sheet you 17 have, do you see on that last sheet -- I 18 guess the way you have them stacked. 19 A. I've got it right here. 20 Q. That last sheet. Do you see 21 whether or not you -- she rated you to be 22 qualified or disqualified from driving? 23 A. Undoubtedly I was qualified to</p>	<p>1 fasting, it was two oh seven. 2 Q. It says Glucosa, two oh seven 3 fasting? 4 A. That's your blood -- 5 Q. Does that mean with the Glucosa? 6 A. No. That's just where they said 7 that's what your sugar is. 8 Q. Yes. But do you notice that on 9 that date, it's got 4-28 in front of it 10 instead of 4-26? 11 A. Yes, sir. 12 Q. Do you think that was a different 13 reading on 4-28, two days later? 14 A. Yes, sir. It was coming down. 15 Q. All right. But that doesn't 16 indicate what it was on 4-26 then, does it? 17 A. No, sir. But I disagree with the 18 two thousand. 19 Q. Okay. All right. Do you know 20 whether or not the Glucofage and the 21 Glucosa, whether or not it includes insulin 22 in those drugs? 23 A. I don't know. I take it as a</p>
Page 54	Page 56
<p>1 come back in -- it looks like April of 2005. 2 Q. Okay. But what about the check 3 mark below? What does it say? 4 A. It shows temporarily 5 disqualified. That's -- And then when I 6 went back and took it, that's when they 7 qualified me here. But it still says 8 temporarily disqualified. 9 Q. Due to what? 10 A. Diabetes. 11 Q. Okay. And was that when you were 12 -- when she checked you, she found out that 13 your diabetes was above one sixty-five? 14 A. Yes. That's when I went back. 15 They -- That's when they first checked me 16 the first time and then I went back. 17 Q. And according to what she wrote, 18 you were at two thousand? 19 A. No. That's -- 20 Q. According to what she wrote? 21 A. I disagree with that because 22 anybody -- It also says right here in the 23 bottom of that page, too, it was -- at</p>	<p>1 pill. 2 Q. Okay. 3 A. The best of my knowledge -- and I 4 may not be wrong with this -- may not be 5 right with this -- but a type one diabetic 6 is insulin. I'm a type two, which is pills. 7 Q. Okay. But in both cases, it's a 8 lack of insulin production in the body 9 that's causing this diabetes; right? 10 A. The best I understand. 11 Q. Okay. 12 A. You can control it with pills or 13 taking insulin. And I take pills. 14 Q. Okay. Are you aware of any 15 occasion that any doctor has administered 16 insulin to you? 17 A. No, sir. No doctor has ever 18 administered insulin to me, no. 19 Q. As a result of this examination, 20 did she issue you this certificate that's on 21 the first page of Plaintiff's Exhibit 4? 22 A. Yes, sir. 23 Q. And it shows, I guess, the</p>

14 (Pages 53 to 56)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 57</p> <p>1 certificate expiration date is 4-26-05; 2 right? 3 A. Yes, sir. 4 Q. Did you have it redone by April 5 26, 2005? 6 A. Yes, sir. 7 Q. Were you then employed with FTT? 8 A. Yes, sir. 9 Q. And do you know how you came out 10 on that? 11 A. Came out with no problem. 12 Q. Okay. Were you recommended to 13 continue to take your pills? 14 A. The physical -- The one that give 15 me the physical didn't say. But I take my 16 pills everyday religiously. 17 Q. Were you taking them every day 18 when you had this exam -- 19 A. No. 20 Q. -- in April of 2004? 21 A. No, sir. 22 Q. What other doctors have you seen 23 other than Dr. Mitchum --</p>	<p style="text-align: right;">Page 59</p> <p>1 A. 2005, I believe it was. 2 Q. Did you see anybody -- any other 3 doctor between Dr. Mitchum in 1997 or '98 4 and Dr. Cosper in 2005? 5 A. Not that I can remember. 6 Q. Did you remain with Dr. Mitchum 7 over that seven year period before you went 8 to Dr. Cosper? 9 A. Yes, sir. 10 Q. Did Dr. Cosper treat any other 11 medical condition other than your diabetes? 12 A. My back was hurting. I went to 13 him. Did an MRI on my back. 14 Q. What did he prescribe for it? 15 A. He said being I'm a driver, I take 16 some kind of medication, either Advil or 17 Tylenol. 18 Q. And that's what you've been 19 taking? 20 A. Yes, sir. It's hard to take 21 anything else and drive. 22 Q. Okay. Has anybody prescribed any 23 other kind of stronger pain medication for</p>
<p style="text-align: right;">Page 58</p> <p>1 A. I seen -- 2 Q. -- in the last let's say ten 3 years? 4 A. Dr. Cosper. 5 Q. And where is he? 6 A. In Geneva. 7 Q. And what is he treating you for? 8 A. He's just a family practitioner, 9 family doctor. 10 Q. Do you know what his first name 11 is? 12 A. No, sir, I sure don't. 13 Q. Okay. What did he treat you for? 14 A. I went to him to have a checkup. 15 Ever so often, when taking this medicine, 16 you have to go get checkups so they can redo 17 your prescription so you can continue taking 18 it. 19 Q. Did he ever change your 20 prescription? 21 A. No, sir. 22 Q. What year did you go see Dr. 23 Cosper?</p>	<p style="text-align: right;">Page 60</p> <p>1 you? 2 A. Not that I can recall. 3 (Whereupon, there was a brief 4 interruption.) 5 Q. We were talking about Dr. Cosper 6 or anybody other than Dr. Cosper and whether 7 or not anybody had ever prescribed any 8 medication stronger than Advil or Tylenol. 9 I think your answer was -- 10 A. I'm trying to -- I can't remember. 11 Q. Do you remember any other doctor 12 other than Dr. Cosper treated you? 13 A. I'm trying to think. Back when we 14 had the wreck now, we came down here. And 15 that's what I'm trying to refresh my 16 memory. Came down to DeFuniak Clinic. I 17 guess that's what it would be called. 18 Q. Do you know where it's located in 19 DeFuniak? 20 A. On 331 south. 21 Q. Do you know what doctor treated 22 you? 23 A. I can't think of the lady's name.</p>

15 (Pages 57 to 60)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 65</p> <p>1 Q. Have you been treated for any</p> <p>2 other medical condition other than what you</p> <p>3 have told me about?</p> <p>4 A. No, sir.</p> <p>5 Q. Have you taken any other -- Have</p> <p>6 you been prescribed any prescription for any</p> <p>7 medication other than what you have told me</p> <p>8 about?</p> <p>9 A. Not to the best of my knowledge.</p> <p>10 Q. Back to this Exhibit 4.</p> <p>11 A. Yes, sir.</p> <p>12 Q. Based on the representations made</p> <p>13 on the last page, were you disqualified to</p> <p>14 drive from April 26, 2004 until you came</p> <p>15 back on April 28, 2004?</p> <p>16 A. Yes, sir. What that was, we was</p> <p>17 having a class during that time. Until I</p> <p>18 started taking my medication to bring it</p> <p>19 back down, the class was over with. I went</p> <p>20 back by there. They took my sugar. It was</p> <p>21 down. So they give me a one year</p> <p>22 certification.</p> <p>23 Q. Did anybody ask you -- Well, first</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Did you go and have your</p> <p>2 pre-employment physical with Dr. Garcia?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Do you remember his first name?</p> <p>5 A. No, sir.</p> <p>6 Q. He's located here in DeFuniak</p> <p>7 Springs?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you know the address?</p> <p>10 A. Highway 90, Highway 90 east.</p> <p>11 Q. Do you know what was the outcome</p> <p>12 of your pre-employment physical?</p> <p>13 A. Everything come back negative.</p> <p>14 Q. Okay. Did he give you a follow-up</p> <p>15 date to come back and see him for any</p> <p>16 reason?</p> <p>17 A. No, sir.</p> <p>18 Q. Were the results of these tests</p> <p>19 communicated to Florida Transformer?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you carry it yourself or did</p> <p>22 they --</p> <p>23 A. I carried a paper back showing</p>
<p style="text-align: right;">Page 66</p> <p>1 of all, did they ask you at the clinic where</p> <p>2 you had the test done on April 24th to come</p> <p>3 back -- I'm sorry -- on April 26, did they</p> <p>4 ask you to come back on the 28th?</p> <p>5 A. Yes, sir. I explained to them I</p> <p>6 had my medication. I just hadn't took it in</p> <p>7 about a month. And they told me to start</p> <p>8 taking it and to come back.</p> <p>9 Q. Is there any other employment that</p> <p>10 we haven't talked about?</p> <p>11 A. Not to the best of my knowledge.</p> <p>12 Q. And you're clear that there's no</p> <p>13 other medical treatment you received that we</p> <p>14 haven't talked about; right?</p> <p>15 A. To the best of my knowledge, no.</p> <p>16 Q. Let's move onto your employment</p> <p>17 then at Florida Transformer. When you first</p> <p>18 came to Florida Transformer, did they send</p> <p>19 you to get a medical certification?</p> <p>20 A. I went and took a urine test.</p> <p>21 Q. And that was over at the DeFuniak</p> <p>22 clinic?</p> <p>23 A. Yes, sir.</p>	<p style="text-align: right;">Page 68</p> <p>1 that I had took it. And they sent the</p> <p>2 results back once they got it done.</p> <p>3 Q. All right. Other than taking the</p> <p>4 pre-employment physical, what else did you</p> <p>5 have to do to get the job at FTT?</p> <p>6 A. I rode with -- Let's see. I went</p> <p>7 to work on the yard for about a half a day.</p> <p>8 Went down to Wauchula, Florida. Came back</p> <p>9 and was off the next day.</p> <p>10 And William Tidwell was going to</p> <p>11 show me the paperwork and check my --</p> <p>12 evaluate my driving. That was about it the</p> <p>13 best I can remember.</p> <p>14 Q. Let me show you what we've marked</p> <p>15 for identification as Plaintiff's Exhibit 5.</p> <p>16 (Whereupon, Plaintiff's Exhibit</p> <p>17 No. 5 was marked for identification.)</p> <p>18 Q. Can you tell me what's Plaintiff's</p> <p>19 Exhibit 5?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what is that?</p> <p>22 A. That's where James Cook and myself</p> <p>23 left out at 12:30 on -- I don't remember</p>

17 (Pages 65 to 68)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 69</p> <p>1 what date it was.</p> <p>2 Q. Is this for August 31st, 2004 at</p> <p>3 the top?</p> <p>4 A. Yes, sir. August 31st.</p> <p>5 Q. And is this your duty -- driver's</p> <p>6 duty status records for August 31st?</p> <p>7 A. Yes, sir.</p> <p>8 Q. 2004?</p> <p>9 A. Yes, sir. I drove down to</p> <p>10 Wauchula, Florida. We loaded the truck.</p> <p>11 And at 2:15 in the afternoon, I got in the</p> <p>12 sleeper and he drove back home.</p> <p>13 Q. So based on what you're telling me</p> <p>14 here, you were on duty with the truck from</p> <p>15 -- I think you said 12:15?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All the way up to 2:15?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And it says here that you all</p> <p>20 switched up in Ocala, Florida; is that</p> <p>21 right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. You were on your way back then?</p>	<p style="text-align: right;">Page 71</p> <p>1 sleeper. I was on duty up until then. He</p> <p>2 was driving.</p> <p>3 Q. After it was loaded, he started</p> <p>4 driving then?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what time can you tell me from</p> <p>7 looking at this did you start driving back?</p> <p>8 A. What time he started driving back,</p> <p>9 I'm not quite sure.</p> <p>10 Q. Let me show you what's been marked</p> <p>11 as Plaintiff's Exhibit 6.</p> <p>12 (Whereupon, Plaintiff's Exhibit</p> <p>13 No. 6 was marked for identification.)</p> <p>14 Q. Can you tell me what that is?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What is that?</p> <p>17 A. It's a mileage sheet.</p> <p>18 Q. Okay. And tell me what the</p> <p>19 speedometer reading is. First of all, you</p> <p>20 have two speedometer readings; is that</p> <p>21 correct?</p> <p>22 A. Yes, sir. You have a starting and</p> <p>23 a finish.</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Yes, sir.</p> <p>2 Q. Did you drop off a load of</p> <p>3 transformers?</p> <p>4 A. We went down, picked a load up,</p> <p>5 stuff that the hurricane had destroyed. We</p> <p>6 go down and pick them up and bring them back</p> <p>7 and refurbish them.</p> <p>8 Q. That was Hurricane Charlie?</p> <p>9 A. I don't remember which hurricane</p> <p>10 it was. But I would believe you're right.</p> <p>11 I'm not sure.</p> <p>12 Q. So when you drove down, you didn't</p> <p>13 have a load then, did you?</p> <p>14 A. The best I can recall, I didn't.</p> <p>15 I just went down and picked up.</p> <p>16 Q. But then you did drive part of the</p> <p>17 way back?</p> <p>18 A. No, sir. I didn't -- Once we left</p> <p>19 from down there, I didn't drive any.</p> <p>20 Q. What part -- Is that 2:15? Is</p> <p>21 that when you left coming back?</p> <p>22 A. No, sir. We had left before</p> <p>23 that. That's just when I went in the</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. And what was the starting</p> <p>2 speedometer reading?</p> <p>3 A. Eight hundred eighty-seven</p> <p>4 thousand nine hundred and six.</p> <p>5 Q. And what was the ending</p> <p>6 speedometer reading?</p> <p>7 A. Eight hundred eighty-eight</p> <p>8 thousand eight hundred and fifty-six.</p> <p>9 Q. And that was what the reading was</p> <p>10 when the truck got back to the --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- to FTI; right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Now, I noticed that on the bottom</p> <p>15 you've got -- you've got Alabama, Florida</p> <p>16 and Georgia. Could you explain those</p> <p>17 numbers to me?</p> <p>18 A. That's what I was just looking</p> <p>19 at. I don't know how them got on there. I</p> <p>20 didn't put them on there. They've got a</p> <p>21 line drawn across there where it's</p> <p>22 something else. I have no idea what that</p> <p>23 is.</p>

18 (Pages 69 to 72)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

Page 73	Page 75
<p>1 Q. Is that the number of miles you</p> <p>2 did in each of those states?</p> <p>3 A. No, sir. We just went in Florida</p> <p>4 and come back in Florida.</p> <p>5 Q. So you don't know why they have</p> <p>6 this Alabama and Georgia on this?</p> <p>7 A. No, sir.</p> <p>8 Q. Show you what's marked as Exhibit</p> <p>9 7.</p> <p>10 (Whereupon, Plaintiff's Exhibit</p> <p>11 No. 7 was marked for identification.)</p> <p>12 Q. Can you tell me what that is?</p> <p>13 A. This is transformers we picked up.</p> <p>14 Q. Okay. And you do notice that this</p> <p>15 is page one of eight; is that right?</p> <p>16 A. Probably so.</p> <p>17 Q. Okay. And is this the -- Did you</p> <p>18 go down to Pace River Electric Co-op?</p> <p>19 A. No, sir. We went to Wauchula</p> <p>20 Peace River, Wauchula.</p> <p>21 Q. Yes, Peace River. I'm sorry.</p> <p>22 A. But that's transformers -- that's</p> <p>23 the total amount of transformers we picked</p>	<p>1 A. Stayed at the house. Got up</p> <p>2 sometime the next morning. Not no certain</p> <p>3 time, not no set time. And I want to say I</p> <p>4 rode down here to Florida Transformer, but</p> <p>5 I'm not sure.</p> <p>6 But I know about four o'clock that</p> <p>7 afternoon, I went to bed because I had to</p> <p>8 leave back out the next night.</p> <p>9 Q. So you went to bed at about 4:00</p> <p>10 that afternoon?</p> <p>11 A. Yes, sir.</p> <p>12 Q. On the 1st?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Then you slept until what time?</p> <p>15 A. Somewhere around 11:30, 12:00 that</p> <p>16 night.</p> <p>17 Q. And you were at your home in</p> <p>18 Geneva?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How long did it take to drive from</p> <p>21 Geneva to Florida Transformer here in</p> <p>22 DeFuniak Springs?</p> <p>23 A. Twenty-five, thirty minutes.</p>
Page 74	Page 76
<p>1 up from down there.</p> <p>2 Q. So that ninety-six poles means</p> <p>3 pole mounted transformers?</p> <p>4 A. Yes, sir.</p> <p>5 Q. One control panel and one auto</p> <p>6 booster; right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Now, looking back at Plaintiff's</p> <p>9 Exhibit No. 5 --</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- when were you taken off duty?</p> <p>12 A. When was I taken off duty</p> <p>13 altogether?</p> <p>14 Q. Yes.</p> <p>15 A. What I'm trying to do is answer</p> <p>16 your question. Being completely through</p> <p>17 with the trip?</p> <p>18 Q. Yes.</p> <p>19 A. About 8:30 in the afternoon.</p> <p>20 Q. All right. What did you do after</p> <p>21 that?</p> <p>22 A. I went home.</p> <p>23 Q. And what did you do after that?</p>	<p>1 Q. Do you recall what time you</p> <p>2 arrived at work at FTI on the morning of</p> <p>3 September the 2nd?</p> <p>4 A. The best I can recall, somewhere</p> <p>5 around 12:45 a.m. 12:30, 12:45.</p> <p>6 Q. Do you recall whether or not your</p> <p>7 sleep between 4:00 and 12:00 was interrupted</p> <p>8 in any way?</p> <p>9 A. No, sir, it wasn't interrupted at</p> <p>10 all.</p> <p>11 Q. Let me show you what's been marked</p> <p>12 for identification as Plaintiff's Exhibit</p> <p>13 8.</p> <p>14 (Whereupon, Plaintiff's Exhibit</p> <p>15 No. 8 was marked for identification.)</p> <p>16 Q. Can you tell me what's Plaintiff's</p> <p>17 Exhibit 8?</p> <p>18 A. It's my starting log for September</p> <p>19 2nd, 2004.</p> <p>20 Q. What time did you come on that</p> <p>21 morning?</p> <p>22 A. 12:45 a.m.</p> <p>23 Q. And what did you do when you got</p>

19 (Pages 73 to 76)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 77	Page 79
<p>1 in at 12:45?</p> <p>2 A. Met William Tidwell here and we</p> <p>3 done a pre-trip inspection on the truck.</p> <p>4 Q. On which sheet do you mark the</p> <p>5 pre-trip inspection?</p> <p>6 A. It's on the back of a log page.</p> <p>7 Q. Do you recall any notations you</p> <p>8 made about your pre-trip inspection on the</p> <p>9 back of the log page for September the 2nd,</p> <p>10 2004?</p> <p>11 A. No, sir. There was nothing wrong</p> <p>12 with the truck that we could find.</p> <p>13 MR. BROUGHTON: Henry, do you not</p> <p>14 have the back of these pages?</p> <p>15 MR. PENICK: I don't recall. I'd</p> <p>16 have to go through it again. I don't think</p> <p>17 so. I don't recall seeing any. But I will</p> <p>18 search again.</p> <p>19 MR. BROUGHTON: Well, I've got an</p> <p>20 extra copy. Sometimes when these things get</p> <p>21 produced, they don't get the -- people don't</p> <p>22 copy the back. You've got that one. Do you</p> <p>23 have this one?</p>	<p>1 Q. Now, what -- I'm just going to</p> <p>2 mark this for identification. We'll put a</p> <p>3 sticker on it later. But this is the -- Is</p> <p>4 this the back of your driver's log for</p> <p>5 September the 2nd, 2004?</p> <p>6 A. Yes, sir, it is.</p> <p>7 Q. And is this a pre-trip inspection?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And were you pulling trailer 220?</p> <p>10 A. It was supposed to have been 228.</p> <p>11 Q. Okay. Tractor 11 and trailer 228?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And did you certify on here that</p> <p>14 there's no defects on it?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Had you ever driven tractor 11</p> <p>17 before?</p> <p>18 A. That was the second time I drove</p> <p>19 it. I drove down to Wauchula and back.</p> <p>20 Q. Did you have any problems with it</p> <p>21 when you drove it down to Wauchula?</p> <p>22 A. No, sir.</p> <p>23 Q. Did you have to put any oil in it</p>
Page 78	Page 80
<p>1 MR. PENICK: No, I didn't get this</p> <p>2 one I don't think.</p> <p>3 MR. BROUGHTON: And I don't know</p> <p>4 if you have these or not. But these are the</p> <p>5 -- I've got extra copies of those.</p> <p>6 MR. PENICK: We're looking at 9-2</p> <p>7 already I think.</p> <p>8 MR. BROUGHTON: So you don't need</p> <p>9 that? So you need that one?</p> <p>10 MR. PENICK: We need the 9 --</p> <p>11 MR. BROUGHTON: That's the front</p> <p>12 and back.</p> <p>13 MR. PENICK: Oh, I don't have the</p> <p>14 back of any of them.</p> <p>15 MR. BROUGHTON: That's why I have</p> <p>16 given you that.</p> <p>17 MR. PENICK: I do have one back.</p> <p>18 But I don't recall seeing this back. Well,</p> <p>19 let's substitute the back for the --</p> <p>20 particularly the back for the September 2nd,</p> <p>21 2004, September 3rd -- well, there's no --</p> <p>22 September 3rd, he was off all day on that</p> <p>23 one. And September 2nd.</p>	<p>1 or anything?</p> <p>2 A. No.</p> <p>3 Q. Or fluids or anything?</p> <p>4 A. No, sir.</p> <p>5 MR. BROUGHTON: By any fluids, you</p> <p>6 mean gasoline or diesel fuel? Y'all are on</p> <p>7 the same page.</p> <p>8 Q. Did you get any -- You did buy</p> <p>9 gasoline, though; right?</p> <p>10 A. I think James bought some on the</p> <p>11 way back. I didn't have to buy any.</p> <p>12 Q. How many miles would you say you'd</p> <p>13 get on a tank of diesel fuel on that truck?</p> <p>14 A. On that truck, I have no idea on</p> <p>15 that truck.</p> <p>16 Q. Well, you went down to Wauchula</p> <p>17 and back. You didn't have to buy gas but</p> <p>18 one time on the way back; right?</p> <p>19 A. He stopped and got I think</p> <p>20 approximately -- probably fifty or hundred</p> <p>21 gallons in Ocala and came on back. Now, how</p> <p>22 close it was to running out, I wasn't paying</p> <p>23 attention.</p>

20 (Pages 77 to 80)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 81

1 Q. But if you leave DeFuniak and
2 drive down to Wauchula and come back up to
3 Ocala, what would you say you've done?
4 A. Mileage-wise?
5 Q. Yes.
6 A. Oh, Lord. Leaving here just to go
7 to Ocala, somewhere right around three
8 twenty-five, three hundred, three
9 twenty-five, three fifty, somewhere in that
10 area give or take a few miles.
11 Q. When you did the pre-trip
12 inspection with Tidwell, did you all have
13 any conversation about the route you were
14 going to take?
15 A. No, sir. We just -- I just asked
16 him which way would be the best way to go,
17 which we talked about go through Troy and
18 Montgomery, 85. The easiest way to go on
19 Interstate 85.
20 Q. And you knew the route to get
21 there; right?
22 A. Yes, sir.
23 Q. But you didn't know who the

Page 82

1 customer was in Atlanta, though; right?
2 A. No, sir. When you first leave
3 out, they give you cards to tell you how to
4 get to wherever you're going to, direction
5 cards.
6 Q. Do you recall any conversations
7 you were having with him right before y'all
8 pulled in?
9 A. No, sir. None other than the best
10 way to go.
11 Q. All right. I'm going to ask this
12 question and then we're going to take a
13 break. And then we're going to come back
14 and pick up at the beginning of the trip.
15 Of course you hadn't had anything to drink
16 that night; right?
17 A. No, sir.
18 Q. Do you drink?
19 A. Very seldom.
20 Q. Before you all started on this
21 trip, when was the last time you think you
22 had anything to drink?
23 A. Probably that Saturday.

Page 83

1 Q. And this was on what day of the
2 week?
3 A. The best I can remember, it was on
4 a Thursday.
5 Q. Okay. And what do you drink?
6 A. If I drink anything, it's Bush
7 Light or Bud Light.
8 Q. And if you had something that
9 Saturday before, you think that's what it
10 was?
11 A. That's all it would have been.
12 Q. And you don't recall having
13 anything during that week?
14 A. No, sir. I don't drink during the
15 week.
16 Q. When you have to drive?
17 A. Or when I have to drive. That's
18 something I don't do.
19 Q. Okay.
20 MR. PENICK: We'll take a break
21 for now.
22 (Whereupon, a short recess was
23 taken.)

Page 84

1 Q. Tell me whether or not there was
2 anything -- Well, first of all, you all -- I
3 think you said -- according to Mr. Tidwell's
4 testimony, you all inspected the load;
5 right?
6 A. Yes, sir.
7 Q. He said something about you tied
8 it down?
9 A. Yes, sir.
10 Q. After that, did you all take off?
11 A. Yes, sir. After we tied it down,
12 done the pre-trip inspection on the truck,
13 walked around, make sure everything --
14 visually look at everything on the truck and
15 trailer.
16 Q. As you all were traveling, do you
17 recall any conversation the two of you were
18 having along the way?
19 A. Very light conversation, if much.
20 Wasn't too much -- you know, paying
21 attention more to what I was doing than
22 talking.
23 Q. Was he trying to give you any

21 (Pages 81 to 84)

FREEDOM COURT REPORTING

Page 85	Page 87
<p>1 instructions about driving?</p> <p>2 A. No, sir. I think he was sitting</p> <p>3 over there about half asleep. No. I'm just</p> <p>4 kidding.</p> <p>5 Q. He knew of the number of years</p> <p>6 that you had truck driving?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And he knew also that you had more</p> <p>9 truck driving experience than he had?</p> <p>10 A. I believe -- during the -- You</p> <p>11 know, we had started good. The best I can</p> <p>12 remember, we may have had the conversation.</p> <p>13 Q. Then you all stopped at a Phillips</p> <p>14 66 in Troy?</p> <p>15 A. No, sir. It's at Taylor Road</p> <p>16 junction 271 and 231 in Montgomery.</p> <p>17 Q. All right. What did you all do at</p> <p>18 that stop?</p> <p>19 A. Ran into the bathroom. I got a</p> <p>20 cup of coffee and got back in the truck and</p> <p>21 eased on up the road.</p> <p>22 Q. What did you have in your coffee?</p> <p>23 Did you mix it with anything?</p>	<p>1 but a piece of cake. Just take your time</p> <p>2 and ease through it. Pay attention to what</p> <p>3 you're doing and you'll have no trouble.</p> <p>4 Don't get in no hurry. Don't try</p> <p>5 to get in a real big hurry or cut anybody</p> <p>6 off. Just take your time and go easy and</p> <p>7 you won't have a bit of trouble.</p> <p>8 Q. Do you recall any other</p> <p>9 conversation?</p> <p>10 A. We talked very little. I can't</p> <p>11 remember what all -- like I said, what all</p> <p>12 we did talk about.</p> <p>13 Q. Do you recall making any</p> <p>14 adjustments to your equipment at all while</p> <p>15 traveling on I-85 north?</p> <p>16 A. No, sir.</p> <p>17 Q. Describe what kind of night it</p> <p>18 was.</p> <p>19 A. When we left, I mean, there was --</p> <p>20 coming up toward 231 and all, there was a</p> <p>21 very light fog in a couple of places, low</p> <p>22 lying areas, a little bit of misty rain</p> <p>23 getting on 231.</p>
Page 86	Page 88
<p>1 A. I generally mix like one little</p> <p>2 thing of sugar and some half and half.</p> <p>3 Q. By that time, you had been awake</p> <p>4 from sleep possibly about two hours?</p> <p>5 A. Probably about three hours, three</p> <p>6 and half hours. Something like that.</p> <p>7 Between three, three and a half.</p> <p>8 Q. Did anything else -- Did y'all</p> <p>9 have any other conversation or anything</p> <p>10 eventful happen as you moved through</p> <p>11 Montgomery?</p> <p>12 A. No. Just everything -- You know,</p> <p>13 casual conversation or something. I can't</p> <p>14 even remember what all we did talk about.</p> <p>15 Q. As you got on I-85 headed north,</p> <p>16 do you recall any conversation?</p> <p>17 A. The only thing, you know, that</p> <p>18 even vaguely that I can remember is</p> <p>19 somewhere through there, he was saying he</p> <p>20 didn't like going to Atlanta. He's scared</p> <p>21 of Atlanta.</p> <p>22 Q. And what did you say about that?</p> <p>23 A. Oh, I told him it wasn't nothing</p>	<p>1 Got up a little closer to</p> <p>2 Montgomery, about Pine Level, it cleared</p> <p>3 up. It was a dark night, but it wasn't</p> <p>4 raining or foggy. All the way up to</p> <p>5 Interstate 85, it was dark. But it wasn't</p> <p>6 no fog, no rain.</p> <p>7 Q. Did you have your high beams on?</p> <p>8 A. The best I can recall -- I can't</p> <p>9 remember. I'd say I had my low beams on.</p> <p>10 Q. Did you ever during that night</p> <p>11 have your high beams on?</p> <p>12 A. Yes, sir. When I run on two lane</p> <p>13 roads and stuff, non-interstate four lanes,</p> <p>14 I'll run my high beam on until I can see</p> <p>15 somebody coming way up the road and I turn</p> <p>16 my low beams back on.</p> <p>17 On the interstate, I run my low</p> <p>18 beams on. Common courtesy to the other</p> <p>19 vehicles that you're meeting because you're</p> <p>20 constantly meeting them on the interstate.</p> <p>21 Q. You would meet them going in the</p> <p>22 same direction --</p> <p>23 A. No.</p>

22 (Pages 85 to 88)

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FREEDOM COURT REPORTING

Page 89	Page 91
<p>1 Q. -- or coming towards you?</p> <p>2 A. Coming towards me, meeting me.</p> <p>3 And I just keep my low beams on.</p> <p>4 Q. Do you recall whether or not you</p> <p>5 had your low beams on this night when you</p> <p>6 hit I-85?</p> <p>7 A. When I got on 85, the best I</p> <p>8 remember, I had my low beams on. I'm not</p> <p>9 sure. But we was meeting quite a bit of</p> <p>10 traffic at that time of the morning.</p> <p>11 Q. How did the illumination of the</p> <p>12 lights on this Peterbilt you were driving</p> <p>13 compare to other trucks you had been</p> <p>14 driving?</p> <p>15 A. The same.</p> <p>16 Q. How far in the distance would you</p> <p>17 say you could see while driving?</p> <p>18 A. I haven't really never paid no --</p> <p>19 it's a pretty good distance. But I haven't</p> <p>20 ever really paid attention to how far.</p> <p>21 Q. When you say a pretty good</p> <p>22 distance, how far are you talking about?</p> <p>23 A. Probably fifty to sixty feet,</p>	<p>1 a little curve. It wasn't a real sharp</p> <p>2 curve. It was like a little ole curve.</p> <p>3 We seen something across the</p> <p>4 road. I slammed on brakes. To start with,</p> <p>5 we couldn't really tell -- When we first</p> <p>6 just got a glimpse of it, we couldn't tell</p> <p>7 what it was. I slammed on brakes.</p> <p>8 All you could see was underneath</p> <p>9 -- the tires was up on the side. It was</p> <p>10 black. You couldn't -- and I slammed on</p> <p>11 brakes and locked the truck up and we</p> <p>12 collided into Mr. Morris' truck.</p> <p>13 Q. Do you know whether or not you</p> <p>14 left any skid marks that night?</p> <p>15 A. To the best of my knowledge, I</p> <p>16 don't remember. We didn't -- I didn't get</p> <p>17 out that night and look. We was getting out</p> <p>18 trying to get people stopped because it had</p> <p>19 knocked our circuit breaker and all out on</p> <p>20 the trucks and we didn't have no lights on.</p> <p>21 We was trying to get people</p> <p>22 stopped to avoid further collisions. And</p> <p>23 then once we got somebody stopped, we was</p>
Page 90	Page 92
<p>1 seventy feet. I'm not quite sure. That's</p> <p>2 just an --</p> <p>3 MR. BROUGHTON: Don't guess. If</p> <p>4 you've got an idea or if you've ever</p> <p>5 measured it, you can tell him.</p> <p>6 A. I haven't never measured</p> <p>7 anything. So I really have no idea.</p> <p>8 Q. I believe you said on a previous</p> <p>9 occasion it was dark that night?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Were there any stars, moon,</p> <p>12 anything like that?</p> <p>13 A. Not that I can remember.</p> <p>14 Q. By the time you hit I-85 going</p> <p>15 north, as far as you know, the pavement was</p> <p>16 dry, is that right?</p> <p>17 A. The best I can recall, it was.</p> <p>18 Q. Tell me exactly what happened as</p> <p>19 you approached the point of the collision.</p> <p>20 Describe the collision for me.</p> <p>21 A. We was in the right lane going up</p> <p>22 I-85. As we were going up, we was meeting a</p> <p>23 few cars, you know, coming. We went around</p>	<p>1 trying to find him.</p> <p>2 Q. Did I hear you say that the brakes</p> <p>3 locked?</p> <p>4 A. When you mash the brakes up, I'm</p> <p>5 talking about start mashing the pedal down,</p> <p>6 you know, locking your brakes down.</p> <p>7 Q. All right. While sitting up in</p> <p>8 that Peterbilt, how high would you say you</p> <p>9 were off the ground?</p> <p>10 A. Probably about four or five feet</p> <p>11 approximately.</p> <p>12 Q. Would you say it's higher than</p> <p>13 eight feet sitting up? Once you're sitting</p> <p>14 up in a Peterbilt, would you say it's eight</p> <p>15 feet high?</p> <p>16 A. I wouldn't. I have never measured</p> <p>17 that.</p> <p>18 MR. BROUGHTON: Don't guess. If</p> <p>19 you don't know --</p> <p>20 Q. For example, if you're standing on</p> <p>21 the ground and you're about to climb up into</p> <p>22 the cab, the seat -- where would the seat be</p> <p>23 with respect to your height?</p>

23 (Pages 89 to 92)

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FREEDOM COURT REPORTING

Page 93	Page 95
<p>1 A. Let's see. I ain't never paid 2 that any attention. Let me think just a 3 minute. Probably -- If you open the door 4 and you're sitting in the seat, the seat 5 probably comes about right here on me 6 (indicating). 7 Q. If you are standing on the ground? 8 A. Standing on the ground. 9 Q. And you're indicating midway your 10 chest? 11 A. In here somewhere (indicating). 12 Q. Your chest? 13 A. Uh-huh. 14 Q. And once you sit up in the seat, 15 how high would you say your vision is? 16 A. I mean, I'd be guessing. So I'm 17 not sure. 18 Q. Now, did you see any kind of 19 reflection whatsoever from Morris' truck? 20 A. No. 21 Q. Did you see any headlights? 22 A. No, sir. 23 Q. Did you see any shining over into</p>	<p>1 though? 2 A. Yes, sir. 3 Q. What is it? 4 A. A uniform traffic accident report. 5 Q. And what is it a report of? 6 A. Mr. Morris and myself, the wreck 7 we had on September of 2004. 8 Q. All right. And when you look at 9 the information regarding yourself, most of 10 this information appears to be correct; is 11 that correct? Do you see anything that's 12 incorrect about this? 13 A. No, sir. 14 Q. Let me call your attention to what 15 we've marked as page four of this document. 16 Have you ever seen this diagram before? 17 A. No, sir. 18 Q. All right. When you all were 19 traveling, you were traveling on I-85 north; 20 is that correct? 21 A. Yes, sir. 22 Q. All right. What's your 23 recollection about what lane you were in?</p>
Page 94	Page 96
<p>1 the woods? 2 A. No, sir. 3 Q. Did you see any rear -- the 4 reflection of any rear lights? 5 A. No, sir. 6 Q. Did you get any reflection off of 7 any tape? 8 A. No, sir. 9 Q. Did you get any reflection off of 10 any reflectors? 11 A. No, sir. 12 Q. In your opinion -- Let me show you 13 what we've examined as -- and we'll just 14 call it Plaintiff's Exhibit 9 to your 15 deposition. 16 (Whereupon, Plaintiff's Exhibit 17 No. 9 was marked for identification.) 18 Q. Let me show you what we've marked 19 as Plaintiff's Exhibit 9. Have you seen 20 that before? 21 A. I don't recall if -- I don't 22 believe so. I may have. 23 Q. Can you identify what it is,</p>	<p>1 A. I was in the right lane. 2 Q. Are you certain of that? 3 A. Yes, sir. 4 Q. Now, when you saw Morris' tractor 5 -- Well, did you see the bottom of the 6 tractor or the bottom of the trailer both? 7 A. I seen the bottom of the trailer. 8 Q. The bottom of the trailer? 9 A. The best I can remember, it was 10 the bottom of the trailer. It was all 11 black. 12 Q. And did you see the bottom of the 13 tractor? 14 A. As we got closer to it, yes, sir. 15 Q. All right. Now, the tractor does 16 have lights at the tail end of the tractor, 17 doesn't it? 18 A. It's supposed to have. They was 19 not working. 20 Q. You're certain that they were not 21 working? 22 A. No lights was on. 23 Q. Do you recall whether or not the</p>

24 (Pages 93 to 96)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 97</p> <p>1 headlights were on?</p> <p>2 A. The headlights were not on.</p> <p>3 Q. Do you know whether or not they</p> <p>4 were not on or you just didn't see them?</p> <p>5 A. They were not on.</p> <p>6 Q. Do you recall giving an affidavit</p> <p>7 in this case before?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Let me show you what I'll mark for</p> <p>10 identification as Plaintiff's Exhibit 10.</p> <p>11 (Whereupon, Plaintiff's Exhibit</p> <p>12 No. 10 was marked for identification.)</p> <p>13 Q. We can substitute a clean copy for</p> <p>14 this. Let me show you what we've marked as</p> <p>15 Plaintiff's 10, the last page of Plaintiff's</p> <p>16 10. Does that appear to be your signature?</p> <p>17 A. No, sir.</p> <p>18 Q. That is not your signature?</p> <p>19 A. No, sir.</p> <p>20 Q. I'm sorry. I gave you the wrong</p> <p>21 one. Now let me show you what we've marked</p> <p>22 as Plaintiff's Exhibit 10.</p> <p>23 A. We might get along on this one.</p>	<p style="text-align: right;">Page 99</p> <p>1 that they just were not on?</p> <p>2 A. They were not on.</p> <p>3 Q. Okay. Let me also call your</p> <p>4 attention then back to Plaintiff's Exhibit</p> <p>5 9. I believe you said that when you -- as</p> <p>6 you approached Morris' overturned tractor</p> <p>7 trailer, you saw some tires; is that right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you know if those were the</p> <p>10 tires of the tractor or the tires of the</p> <p>11 trailer?</p> <p>12 A. Tires of the trailer.</p> <p>13 Q. The tires of the trailer?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. What lane was the</p> <p>16 tires of the trailer in?</p> <p>17 A. They was probably to the mid -- in</p> <p>18 the median type --</p> <p>19 Q. You mean like in the middle</p> <p>20 between the two lanes?</p> <p>21 A. No. They was in the median</p> <p>22 because the tractor was slammed across the</p> <p>23 highway into the emergency lane.</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. Let me show you the last page. Is</p> <p>2 that your signature?</p> <p>3 A. Yes, sir.</p> <p>4 Q. All right. Let me call your</p> <p>5 attention to that second page.</p> <p>6 A. All right, sir.</p> <p>7 Q. Well, first of all, look at the</p> <p>8 entire document. And after you have looked</p> <p>9 at the entire document, tell me where if at</p> <p>10 any point where you said that the lights on</p> <p>11 Morris' tractor trailer were not on.</p> <p>12 A. Where it says I never saw any</p> <p>13 reflector lights or tape or any headlights,</p> <p>14 taillights or other lights from the</p> <p>15 overturned tractor trailer.</p> <p>16 Q. Okay. It says that you never saw</p> <p>17 them; right?</p> <p>18 A. No, sir.</p> <p>19 Q. Now, does it say that the lights</p> <p>20 were not on on Morris' vehicle?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. Here today, would you say</p> <p>23 that you didn't see them or would you say</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Do you know whether or not the</p> <p>2 tractor was over in the emergency lane?</p> <p>3 A. To the best of my knowledge, it</p> <p>4 was over a couple of feet. The best I can</p> <p>5 remember.</p> <p>6 Q. Let me call your attention back to</p> <p>7 Plaintiff's Exhibit 10 again. Is 10 the</p> <p>8 affidavit that you gave? Do you see</p> <p>9 anywhere in your affidavit where you said</p> <p>10 that the tractor of Morris' vehicle was all</p> <p>11 the way across both lanes and into the</p> <p>12 emergency lane?</p> <p>13 A. Let's see. It was a very dark</p> <p>14 night. As we approached where the accident</p> <p>15 occurred, all of a sudden, I saw in my</p> <p>16 headlights what appeared to be vehicle tires</p> <p>17 out across the road.</p> <p>18 And I said oh, my God and slammed</p> <p>19 on the brakes. We braced for the</p> <p>20 collision. We were not able to stop before</p> <p>21 the front of my tractor hit the underside of</p> <p>22 the tractor on the other vehicle.</p> <p>23 There was no time to react other</p>

25 (Pages 97 to 100)

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FREEDOM COURT REPORTING

Page 101

1 than the way I did react. I was unable to
2 avoid this collision.

3 Q. Now, do you see anywhere in this
4 affidavit where you say that the overturned
5 tractor trailer, Morris' tractor trailer,
6 was blocking all or both of the lanes,
7 including into the emergency lane?

8 A. It was across the road.

9 Q. But it doesn't mention emergency
10 lane at all, does it?

11 A. No, sir.

12 Q. As a matter of fact, it doesn't
13 really state that it was blocking both lanes
14 of the road either, does it?

15 A. No, sir.

16 MR. BROUGHTON: Wait a second
17 now. Read that next paragraph. You stopped
18 at --

19 MR. PENICK: Wait a minute. Don't
20 coach him. Don't coach him.

21 MR. BROUGHTON: Well, let him read
22 the whole thing.

23 A. As soon as our vehicle stopped --

Page 102

1 MR. BROUGHTON: No. The next
2 paragraph that --

3 Q. Let's take this up on the
4 re-examination in just a minute, okay,
5 because he's going to ask you about it later
6 on. But let us move on with this.

7 MR. BROUGHTON: Well, let him read
8 the thing. The question was, does it say
9 anywhere in there that it was blocking both
10 lanes of traffic.

11 MR. PENICK: And what I'm saying
12 is that you're trying to coach him to
13 wherever he wants to read to wherever you
14 want him to read. And that's something that
15 you might want to do on examination when you
16 get the witness in just a minute.

17 A. Are we trying to -- You asked
18 about the affidavit. We want to put it all
19 out the way it actually happened. And on
20 here, it says there was nothing wrong with
21 the headlights on our truck or with the
22 brakes on our truck.

23 I did everything I could do to

Page 103

1 avoid the accident. The first thing I saw
2 -- I saw that told me there was an object
3 blocking both lanes of traffic ahead of me
4 was some tires and then the underside of the
5 overturned tractor trailer.

6 Q. And where are you reading?

7 A. I never saw any reflector lights
8 or tape, or any headlights, taillights or
9 other lights from the overturned tractor
10 trailer.

11 From my view of the overturned
12 tractor trailer after the accident, it was
13 apparent that any reflectors or reflector
14 tape would have been either against the
15 pavement on the driver's side or facing the
16 sky on the passenger's side or facing the
17 median on the rear end of the tractor and
18 trailer.

19 Any headlights would have been
20 shining off the highway on the right. Any
21 taillights would have been shining to the
22 rear and to the median. If either the
23 headlights or taillights was still

Page 104

1 functioning as we approached, there was no
2 vision -- it was not visible to me.

3 The first thing that I saw that
4 indicated there was an overturned vehicle
5 was when my headlights picked up the tires
6 and I slammed on the brakes just quickly as
7 I could at that point.

8 I had not seen Morris' vehicle
9 before that point and only learned
10 afterwards that it had been down in the
11 median before overturning.

12 Q. All right. Now, again, none of
13 that mentioned that Morris' tractor was
14 blocking the emergency lane, does it?

15 A. To the best my knowledge, no.

16 Q. Okay. Now, on this stretch of
17 highway, just to the right of the emergency
18 lane, just to the right of the emergency
19 lane, do you recall whether or not -- what
20 kind of slope, if any, there was over to the
21 right-hand side?

22 A. There's a pretty steep slope there
23 right where he was at.

26 (Pages 101 to 104)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 109</p> <p>1 recollection about the width? That's all 2 we're trying to do or say. 3 Does that refresh your 4 recollection about the width of the 5 emergency lane, the topography of the land 6 around the lane? 7 A. I'm not sure. I'm not sure what 8 side of the highway and all that's on. 9 Q. Do you guess the emergency lane is 10 a different width on the other side of the 11 highway? 12 A. They have been doing some 13 construction. They were doing construction 14 during the time this accident happened. 15 Q. Okay. All right. So you were in 16 a straight away at the time of the accident; 17 right? 18 A. Yes, sir. 19 Q. Okay. Now, from looking at the 20 picture that I've just shown you, does it 21 refresh your recollection about whether or 22 not there was a steep drop off on the side 23 of the highway?</p>	<p style="text-align: right;">Page 111</p> <p>1 that the UPS truck pulled between the two 2 tractor trailers. 3 A. He slide right up in between them. 4 Q. All right. Now, from looking at 5 this diagram, does it appear from the 6 diagram that the point of impact was in the 7 left lane? 8 MR. BROUGHTON: Wait a minute. I 9 have the same objection as before. This is 10 a drawing that this witness did not make. 11 He doesn't know who made the drawing. 12 And you're asking him to interpret 13 something that somebody else drew. And I 14 think the document speaks for itself. 15 Q. Okay. I'm just asking for your 16 opinion of this document, the way it looks, 17 whether it's right or wrong, does it appear 18 that the point of impact is shown in the 19 left lane on this document? 20 A. As you stated -- As it looks on 21 this paper, whether it is right or wrong, it 22 appears on the paper. And my agreeing to 23 where the impact and all actually happened</p>
<p style="text-align: right;">Page 110</p> <p>1 A. I don't recall because I'm not 2 sure if these pictures are from the north 3 bound or the south bound side. There's not 4 any indication as to where this picture was 5 taken from. 6 Q. All right. So what did you do 7 immediately after you had the collision? 8 A. As quick as we could get out, we 9 ran back flagging traffic down because there 10 were some more headlights coming toward us. 11 And I knew the headlights from his 12 truck and my truck was knocked out and we 13 needed to stop the other traffic, to keep it 14 from having a bigger pile up than what we 15 already had. 16 Q. And were you successful in 17 stopping the other traffic? 18 A. We stopped a -- a UPS truck slid 19 up to where you couldn't put your hand 20 between his front bumper and my door. Once 21 we got stopped enough, we got out and got to 22 looking for Mr. Morris. 23 Q. Now, there has been some testimony</p>	<p style="text-align: right;">Page 112</p> <p>1 -- 2 Q. We're going to get to that. But 3 right now, we're just trying to establish 4 the point that on this document it appears 5 to be in the left lane; right? 6 A. As it appears on this document, 7 whether it's right or wrong, that's what it 8 shows on the document. 9 Q. All right. And that's the lane 10 other than what you were traveling in. You 11 said you were traveling in the right lane; 12 right? 13 A. I was in the right lane. 14 Q. And what is your estimation about 15 the point of impact? Do you recall whether 16 or not you had the point of impact in the 17 right lane or the left lane? 18 A. It was in the right lane. 19 Q. Do you recall what part of Morris' 20 tractor you hit? 21 A. Right behind the steer tires. 22 Q. That would be the front tires? 23 A. Yes. Right in his fuel tank. In</p>

28 (Pages 109 to 112)

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DRIVER'S VEHICLE CONDITION REPORT

DATE 9-2-06 TIME 12:45 A.M.

P.M.

Check any defective item and give of repairman's initials under "Remarks" or check "Satisfactory" and "None".

☐ I DETECT NO DEFECT OR DEFICIENCY IN THE VEHICLE(S) SHOWN BELOW THAT WOULD BE LIKELY TO AFFECT THE SAFETY OF OPERATION OR RESULT IN MECHANICAL BREAKDOWN.

☐ I DETECT THE FOLLOWING DEFECTS BY WHICH THE VEHICLE(S) SHOWN BELOW MAY BE LIKELY TO AFFECT THE SAFETY OF OPERATION OR RESULT IN MECHANICAL BREAKDOWN. THESE DEFECTS ARE:

TRACTOR NO. 11TRAILER (s) NO. (s) 22

<input type="checkbox"/> Air Compressor	<input type="checkbox"/> Drive Line	<input type="checkbox"/> Losses/Water	<input type="checkbox"/> Puncture/Leak	<input type="checkbox"/> Brake Camshaft Pins	<input type="checkbox"/> Steel
<input type="checkbox"/> Battery	<input type="checkbox"/> Engine	<input type="checkbox"/> Motors	<input type="checkbox"/> Dies	<input type="checkbox"/> Brakes	<input type="checkbox"/> Springs
<input type="checkbox"/> Body	<input type="checkbox"/> Fuel System	<input type="checkbox"/> Oil Pressure	<input type="checkbox"/> Fuel Injection	<input type="checkbox"/> Exhaust Pipe	<input type="checkbox"/> Torशन
<input type="checkbox"/> Brake Assemblies	<input type="checkbox"/> Front Axle	<input type="checkbox"/> Radiator	<input type="checkbox"/> Wheels	<input type="checkbox"/> Coupling (Wing)	<input type="checkbox"/> Tire
<input type="checkbox"/> Brakes	<input type="checkbox"/> Fuel Lines	<input type="checkbox"/> Rear End	<input type="checkbox"/> Hubs/Knives	<input type="checkbox"/> Hoses	<input type="checkbox"/> Wheels
<input type="checkbox"/> Lights	<input type="checkbox"/> Horn	<input type="checkbox"/> Safety Equipment	<input type="checkbox"/> Motor/Brake Water	<input type="checkbox"/> Hitch	
<input type="checkbox"/> Lubricator	<input type="checkbox"/> Horn	<input type="checkbox"/> Sighting	<input type="checkbox"/> Other	<input type="checkbox"/> Landing Gear	<input type="checkbox"/> Other
<input type="checkbox"/> Door Handles	<input type="checkbox"/> Lights	<input type="checkbox"/> Sighting	<input type="checkbox"/> Other	<input type="checkbox"/> Lights	

REMARKS:

Driver's Signature _____

Mechanic's Signature _____

Signature of Driver reviewing this report _____

I hereby certify that the above information is true and correct.

The time when check appropriate agreement before and after this report.

☐ The above defects corrected

☐ The above defects not corrected

☐ The above defects not corrected

☐ The above defects not corrected

Driver's Initials _____

Case 1:05-cv-00662-MPT-SRW Document 50-3 Filed 08/15/2006 Page 23 of 23

247-733-2233-01 5 III ETMO DG 1 02-1

TIME 0820

3346843945 FLORIDA TRANSFO DOB: 10/30/62

CCU:0766720953 H-00582741

102 IN Y CD-0766720953

Physician ID: 417889319

Account: 417889319

Community Hos/Tallahassee CDC 01157225

Exp 95

AL 36078

09/02/04 09/03/04 09/03/04 7795

COLLECTORS NAME: PHONE: 3342833766

MRD NAME:

PERSON FOR TEST: POST-ACCIDENT

Chain-of-Custody Protocol Performed

and Sample Handling

Split specimen bottle has been received

68187 St-Ct-Bunk

DRUG	RESULT	SCREEN CUTOFF	CONFIR CUTOFF	UI
Amphetamine	Negative	1000		UI
Barbiturate	Negative	200		UI
Cannabinoid	Negative	100		UI
Cocaine (Metab.)	Negative	300		UI
Opiates	Negative	2000		UI
Creatinine, Urine	67.1	20.0	300.0	UI

Consent:

According to guidance from Department of Health and Human Services, a urine specimen is defined as follows: "DILUTE" if the creatinine is <20 ug/dL and the specific gravity is <1.003; "SUBSTITUTED" if the creatinine is <5 ug/dL and the specific gravity is <1.001.

Nitrite Urine, Quantitative Negative

LAB: UI LabCorp OTS RTP

1904 Alexander Drive RTP, NC 27709-2000

FOR INQUIRIES, THE PHYSICIAN MAY CONTACT: 205-351-3600 FAX: 919-572-6900

LAST PAGE OF REPORT

REPORT

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JMPSON, NEAL PATID: 417889319 SPEC DATE: 09/03/2004

PLAINTIFF'S EXHIBIT